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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,072	10/12/2001	Joel B. Douglas	2316.1581US01	1778

23552 7590 02/06/2003

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EXAMINER
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LAVARIAS, ARNEL C

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/977,072

Applicant(s)

DOUGLAS ET AL.

Examiner

Arnel C. Lavarias

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

✓ Page 8, line 30- Reference numeral 120.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

✓ Figures 1, 3-4, 9- Reference numeral 24

✓ Figure 9- Reference numeral 82 *in spec*

✓ Figures 10, 12- Reference numeral 142. *in spec*

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

3. The disclosure is objected to because of the following informalities:

✓ Page 3, line 19- 'FIGS. 1-9' should read 'FIGS. 1-8'.

Appropriate correction is required.

***Claim Objections***

4. ✓ Claim 34 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 34 fails to further limit the subject matter as recited in independent Claim 33. Claim 33 already recites that both the first and second trays are pivotable in a first and second plane, respectively, which are both parallel to the wall.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 12-15, 26-31, 33-34, 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Vidacovich et al.

With regard to Claims 1-2, Vidacovich et al. discloses a storage tray arrangement for storing cable slack (See Figures 1, 7-9, 11, 13) comprising a frame being oriented in a vertical first plane (See for example left side panel and tray 124 of Figure 9); a first tray mounted to the frame in a vertical second plane parallel to the first plane (See for

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example left side panel and tray 124 of Figure 9; the Examiner notes that although 124 is not directly mounted to the left vertical side panel, it is mounted to said panel via mounting structure 136, 138, as shown in Figure 10A, and the bottom panel) and including a cable entry region (See either area near 96 or area near 54 as cable entry area in Figure 3), a base (See base plate near 32 of Figure 3), and a spool projecting from the base (See 56 in Figure 3); and a mounting construction pivotably securing the first tray to the frame (See 38 in Figure 3; 136, 138 in Figure 10A) and permitting the first tray to be selectively pivoted relative to the frame within the second plane (See Figures 10A, 10B for opened and closed positions of tray 124). The tray includes a sidewall extending from the base and extending along at least a portion of the perimeter of the base (See sidewall along perimeter of tray 124 in Figure 3).

With regard to Claims 26-31, Vidacovich et al. discloses the invention as set forth above, as well as a method for storing cable slack comprising providing a frame oriented in a vertical first plane; providing a first tray mounted to the frame in a vertical second plane parallel to the first plane; pivoting the first tray about a first pivot axis (See Figure 10B; pivot axis defined by axis through 136) 100-180 degrees (See Figure 10C) relative to the frame within the second plane; and directing a first cable into the first tray (See Figures 1, 3-4, 7-11, 13). Vidacovich et al. additionally discloses the step of providing a first tray including providing a first tray having a cable entry region, a base, and a spool projecting from the base; and the step of directing a first cable into the first tray including directing a first cable into the cable entry region and around the spool of the first tray (See Figures 3 and 4). Vidacovich et al. also discloses providing a second tray mounted

to the frame in a vertical third plane parallel to the first plane and second plane; pivoting the second tray about the first pivot axis no more than 90 degrees (See Figure 10B) relative to the frame within the third plane (See Figures 9, 11-12); and directing a second cable into the second tray.

With regard to Claims 12-15, 33-34, 36, Vidacovich et al. discloses the invention as set forth above, as well as a fiber management system comprising a vertically oriented wall; a first tray set including a first tray mounted on the wall and being pivotable in a first plane parallel to the wall about a first pivot axis; and a second tray mounted on the wall and being pivotable in a second plane parallel to the wall about the first pivot axis. Vidacovich et al. additionally discloses a plurality of tray sets, each tray set including two trays pivotably mounted on the wall about a common pivot axis and each of the two trays being pivotable in a vertical plane parallel to the wall (See Figures 9-12. The Examiner notes that, for example in Figure 11, pairs of trays may be called a set, allowing multiple tray sets to share the same pivot axis and the trays to have the same parallel planes as the left side panel. Additionally Figure 13 discloses multiple sets of trays stacked vertically on top of each other, and stacks of multiple sets of trays placed next to each other.).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-7, 20-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidacovich et al. in view of Swenson et al.

Vidacovich et al. discloses the invention as set forth above. Vidacovich et al. additionally discloses the first tray including a first plurality of tabs projecting from the spool toward the sidewall (See tabs on 56 in Figure 3); the cable entry region of the first tray including a curved trough adjacent to the sidewall (See area near 96 or area near 54 and 52 in Figure 3), the first tray further including a second plurality of tabs projecting from the sidewall and over the trough of the cable entry region (See tabs near 96 in Figure 3), the mounting construction including a post secured to the frame such that the first tray is pivotable mounted on the post (See 38 in Figure 3; 136, 138 in Figure 10A), the storage region defining a first width (See width of storage area roughly from 133 to 134 in Figure 10A) and the cable entry region defining a second width (See area near 135 in Figure 10A) such that the second width is no more than 50% of the first width, and the sidewall including first and second curved arms to define an arched opening and oriented in the cable entry region (See area near 96 in Figure 3). Vidacovich et al. lacks the sidewall of the first tray including a plurality of scallops. However, Swenson et al. teaches a cable storage device (See Figures 1-2) wherein the sidewalls (See 211, 212, 213, 214, 215, 216, 218 in Figure 1B) incorporate a plurality of scallops (See in particular regions near 19 in Figure 1B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the sidewall of the first tray include a plurality of scallops, as taught by Swenson et al., in the storage tray arrangement of Vidacovich et al. One would have been motivated to do this for the

purpose of providing strain relief as well as accessibility to the fiber, while keeping the fiber stored on the spool (See paragraph 0053 for example).

9. Claims 18-19, 32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidacovich et al.

With regard to Claims 18 and 32, Vidacovich et al. discloses the invention as set forth above, except for the steps of directing a first cable and a second cable in the first tray and second tray, respectively, including directing the first and second cable vertically along the frame and in to the first and second tray, respectively. It would have been obvious to one having ordinary skill in the art to route the first and second cable vertically along the frame, instead of horizontally along the base of the cabinet as disclosed by Vidacovich et al. (See 122 in Figure 11; Figures 10A, 10B, 10C), for the purpose of protecting the optical fiber from breakage or entanglement.

With regard to Claims 19 and 35, Vidacovich et al. discloses the invention as set forth above, except for the wall defining at least one aperture through which the fiber cable extends. It would have been obvious to one having ordinary skill in the art to provide at least one aperture on the vertical wall parallel to the trays, as well as at least one aperture on the vertical walls perpendicular to the trays as disclosed by Vidacovich et al. (See for example Figure 1; 50 in Figure 2; col. 4, line 48-col. 5, line 9), for the purpose of providing alternate routing for the fiber cable to minimize cable lengths and reduce cable bending.



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10. Claims 8-11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidacovich et al. in view of Swenson et al. as applied to Claims 3-7, 20-21, and 23 above, and further in view of Xiromeritis et al.

Vidacovich et al. in view of Swenson et al. discloses the invention as set forth above in Claims 3-7, 20-21, and 23, except for the mounting construction including a detent-recess arrangement, and more specifically the post having a cylindrical wall defining a plurality of recesses, detent protruding from the arched opening of the sidewall, and a projecting lip included along the arched opening. However, Ziromeritis et al. teaches a vehicle seat assembly with a multiple axis pivoting tray table which uses a detent-recess arrangement (See Figures 3, 4, 6; col. 3, line 4-col. 4, line 24), which are well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the mounting construction of the tray arrangement of Vidacovich et al. in view of Swenson et al. include a detent-recess arrangement, as taught by Xiromeritis et al. One would have been motivated to do this to allow the trays to retain one of a number of positions, providing fixable adjustment of the trays.

11. Claims 16-17, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidacovich et al. in view of Xiromeritis et al.

Vidacovich et al. discloses the invention as set forth above, except for the mounting construction including a detent-recess arrangement, and more specifically the post having a cylindrical wall defining a plurality of recesses, detent protruding from the arched opening of the sidewall, and a projecting lip included along the arched opening.

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However, Ziromeritis et al. teaches a vehicle seat assembly with a multiple axis pivoting tray table which uses a detent-recess arrangement (See Figures 3, 4, 6; col. 3, line 4-col. 4, line 24), which are well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the mounting construction of the tray arrangement of Vidacovich et al. include a detent-recess arrangement, as taught by Xiromeritis et al. One would have been motivated to do this to allow the trays to retain one of a number of positions, providing fixable adjustment of the trays.

### *Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 703-305-4007. The examiner can normally be reached on M-F 8:30 AM - 5 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Arnel C. Lavarias  
February 4, 2003

